

# Town Board Minutes

May 17, 2004

Meeting No. 18

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of May 2004, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER\*  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER\*  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN\*\*

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

\*Planning Board Member Myszka and Council Member Amatura recused themselves from considering the SEQR for the Anastasi rezone matter because they each have had a business relationship with the petitioner.

\*\* Planning Board Chairman Keysa departed from the meeting at 6:55 P.M. after the first SEQR.

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**ANASTASI TRUCKING & PAVING COMPANY**

**REZONE**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the **Anastasi Trucking & Paving Company** rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
PLANNING BOARD MEMBER KORZENIEWSKI  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION**

**ANASTASI TRUCKING & PAVING COMPANY**

**REZONE**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximate 20.09± acres.

The location of the premises being reviewed is 351 Pavement Road, County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required; there will be a small to moderate impact during construction.
  - It is also noted that there is also a potential for storage of greater than 1,100 gallons of petroleum or chemical products.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will have a small to moderate affect on air quality.
  - It is noted that the proposed action will allow an increase in the amount of land committed to industrial from mining use.
8. The proposed action will have a small to moderate affect threatened or endangered species.
  - It is noted that there will be a small to moderate impact due to application of pesticide or herbicide more that twice a year.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will have a small to moderate affect on aesthetic resources.

- It is noted that the proposed land use is different from current surrounding land use.
  - It is also noted that the proposed land use which will be visible to other users of the aesthetic resources will significantly reduce or eliminate their enjoyment of the aesthetic qualities of that resource.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will have a small to moderate affect on the quantity or quality of existing or future open spaces or recreational opportunities.
- It is noted that the proposed project is in close proximity to a proposed hiking and biking trail, namely Lancaster Heritage Trail.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate affect on existing transportation systems.
- It is noted that:
    - a.) There will be a small to moderate alteration of present patterns of movement of people and/or goods.
    - b.) The proposed action will create small to moderate traffic problems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will be a small to moderate impact on objectionable odors, noise, or vibration as a result of this proposed action.
- It is noted that the proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures during concrete recycling.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect on the character of the existing community.

- It is noted that:
  - a.) The proposed action will cause a small to moderate change in the density of land use.
  - b.) Development will create a demand for additional police and fire services.
  - c.) The proposed action will set a precedent for future projects.

20. There is likely to be public controversy related to potential adverse environmental impacts due to traffic concerns, potential increase in noise levels, and its proximity to the proposed hiking and biking trail, namely Lancaster Heritage Trail.

s/s \_\_\_\_\_

**SEAL**

Robert H. Giza, Supervisor  
Town of Lancaster

May 17, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS RECUSED
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS RECUSED
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon adopted.

May 17, 2004

**IN THE MATTER OF THE SEQR REVIEW OF THE  
BUFFALO SUBURBAN SEVENTH DAY  
ADVENTIST CHURCH SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Buffalo Seventh Day Adventist Church site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER MYSZKA  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
BUFFALO SUBURBAN SEVENTH DAY  
ADVENTIST CHURCH SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 6.58 acres.

The location of the premises being reviewed is situate at 5580 Genesee Street, County of Erie, Lancaster, new York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
       **No significant adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No significant adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
  
**No significant adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No significant adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No significant adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No significant adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No significant adverse effects noted**
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

May 17, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non\_Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

May 17, 2004

**IN THE MATTER OF THE SEQR REVIEW OF THE  
ELDERWOOD HEALTH CARE  
AT LINWOOD SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Elderwood Health Care at Linwood site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
ELDERWOOD HEALTH CARE  
AT LINWOOD SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 4.993 acres.

The location of the premises being reviewed is situate at 1818 Como Park Blvd., County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No significant adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No significant adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No significant adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No significant adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No significant adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy).

**No significant adverse effects noted**

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

May 17, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non\_Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

May 17, 2004

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE MEETING which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The meeting was adjourned at 7:04 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk